

STATE PERSONAL IDENTIFICATION CARD
Act 222 of 1972

AN ACT to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes.

History: 1972, Act 222, Imd. Eff. July 25, 1972;—Am. 1975, Act 307, Eff. Jan. 1, 1976;—Am. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2002, Act 553, Eff. Oct. 1, 2002.

The People of the State of Michigan enact:

28.291 Official state personal identification card; application; requirements; automatic voter registration opt-out; identification card issued by department of corrections as documentation; electronic access to prisoner information; person holding operator's or chauffeur's license; applicant not citizen of United States; disclosure or display of Social Security number; exception; agreements with federal government; termination of official state personal identification card issued by another state; duties of secretary of state; communication impediment designation.

Sec. 1. (1) An individual who is a resident of this state may apply to the secretary of state for an official state personal identification card. Upon application, the applicant shall supply a photographic identity document, a birth certificate or other nonphotographic identity document, and other sufficient documents as the secretary of state may require to verify the identity and citizenship of the applicant. If an applicant for an official state personal identification card is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subsection (5). The documents required under this subsection must include the applicant's full legal name, date of birth, address, and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. An application for an official state personal identification card must be made in a manner prescribed by the secretary of state and must contain the applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, intent to be an organ donor, other information required or permitted on the official state personal identification card and, only to the extent to comply with federal law, the applicant's Social Security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address. Beginning 180 days after the effective date of the amendatory act that added this sentence, if the applicant is a program participant in the address confidentiality program under the address confidentiality program act, he or she shall present to the secretary of state his or her participation card issued under the address confidentiality program act. For automatic voter registration purposes under section 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, an applicant for an official state personal identification card must indicate on the application or change of address application whether he or she is a citizen of the United States. An application must allow the applicant to indicate that the applicant declines to use the application as a voter registration application.

(2) The secretary of state shall accept as 1 of the identification documents required under subsection (1) an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

(3) The secretary of state shall have electronic access to prisoner information maintained by the department of corrections for the purpose of verifying the identity of a prisoner who applies for an official state identification card under subsection (1).

(4) The secretary of state shall not issue an official state personal identification card to an individual who holds an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has been suspended, revoked, or restricted.

(5) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating his or her legal presence in the United States. Nothing in this act obligates this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state

may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subsection. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an official state personal identification card to an applicant described in this subsection for a term that exceeds the duration of the applicant's legal presence in the United States.

(6) The secretary of state shall not disclose a Social Security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes:

(a) Compliance with 49 USC 31301 to 31317 and regulations and rules related to this act.

(b) To carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support.

(c) With the department of health and human services, for comparison with vital records maintained by the department of health and human services under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(d) As otherwise required by law.

(7) The secretary of state shall not display an individual's Social Security number on the individual's official state personal identification card.

(8) A requirement under this section to include a Social Security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a Social Security number.

(9) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an official state personal identification card under this section who is not a citizen of the United States is authorized under federal law to be present in the United States.

(10) The secretary of state shall not issue an official state personal identification card to an individual holding an official state personal identification card issued by another state without confirmation that the individual is terminating or has terminated the official state personal identification card issued by the other state.

(11) The secretary of state shall do all of the following:

(a) Ensure the physical security of locations where official state personal identification cards are produced and the security of document materials and papers from which official state personal identification cards are produced.

(b) Subject each person authorized to manufacture or produce official state personal identification cards and each person who has the ability to affect the identity information that appears on official state personal identification cards to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that official state personal identification cards be manufactured or produced in this state.

(c) Provide fraudulent document recognition programs to secretary of state employees engaged in the issuance of official state personal identification cards.

(12) If an individual meets the requirements under subsection (13), beginning July 1, 2021, the secretary of state shall allow the individual to elect a communication impediment designation on the application maintained in the central file under section 7 or in another appropriate system that limits access to law enforcement that would allow law enforcement agencies of this state to view a communication impediment designation with an official state personal identification card.

(13) An individual seeking an election for a communication impediment designation under subsection (12) shall provide the secretary of state a certification that meets all of the following:

(a) Is signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in this state.

(b) Identifies the individual for whom the communication impediment designation is being elected.

(c) Attests to the nature of the health condition that may impede communication.

(14) The secretary of state shall not display an individual's communication impediment designation on the individual's official state personal identification card.

(15) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (13) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(16) Subject to subsection (17), the secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section if either of the following circumstances applies:

(a) The secretary of state determines that a communication impediment designation was fraudulently or erroneously elected.

(b) The secretary of state determines the communication impediment designation was abused during a traffic stop.

(17) The secretary of state shall provide an individual notice and an opportunity to be heard before canceling or revoking a communication impediment designation under subsection (16).

(18) As used in this section, "communication impediment" means an individual has a health condition that may impede communication with a police officer, including, but not limited to, the following:

- (a) Deafness or hearing loss.
- (b) An autism spectrum disorder.

History: 1972, Act 222, Imd. Eff. July 25, 1972;—Am. 1975, Act 307, Eff. Jan. 1, 1976;—Am. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2005, Act 143, Imd. Eff. Sept. 29, 2005;—Am. 2008, Act 31, Imd. Eff. Mar. 13, 2008;—Am. 2011, Act 158, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 25, Imd. Eff. Feb. 23, 2012;—Am. 2018, Act 176, Eff. Sept. 9, 2018;—Am. 2018, Act 605, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 92, Eff. July 1, 2021;—Am. 2020, Act 306, Imd. Eff. Dec. 29, 2020.

28.291a Definitions.

Sec. 1a. As used in this act:

(a) "Highly restricted personal information" includes an individual's photograph or image, Social Security number, digitized signature, and medical and disability information and source documents presented by an applicant to obtain a personal identification card under section 1. Highly restricted personal information also includes the confidential address of an individual certified as a program participant in the address confidentiality program under the address confidentiality program act. As used in this subdivision, "confidential address" means that term as defined in section 3 of the address confidentiality program act.

(b) "Personal information" means information that identifies an individual, including the individual's photograph or image, name, address (but not the 5-digit zip code), driver license number, Social Security number, telephone number, digitized signature, and medical and disability information.

(c) "Residence address" means the place that is the settled home or domicile at which a person legally resides, which meets the definition of residence as defined in section 11 of the Michigan election law, 1954 PA 116, MCL 168.11.

(d) "Resident" means every person who resides in this state and establishes that he or she is legally present in the United States. This definition applies to the provisions of this act only.

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2008, Act 31, Imd. Eff. Mar. 13, 2008;—Am. 2020, Act 306, Imd. Eff. Dec. 29, 2020.

28.292 Official state personal identification card; contents; exception; duties of secretary of state; methods; form; emergency medical information card; fingerprint or finger image; retention and use of individual's digital photographic image; limitation; evidence of blindness; placement on donor registry; identifier for voter registration purposes; information; issuance; fees; expiration; renewal; waiver of fee; correction for change of name or address; application for renewal; other information; access to emergency information by law enforcement agencies; emancipated minor; participation in anatomical gift donor registry; validity; duplicate identification card; renewal; fees; pandemic extension for certain expirations.

Sec. 2. (1) An official state personal identification card must contain the following:

(a) An identification number permanently assigned to the individual to whom the card is issued.

(b) Except as provided in section 2a, the full legal name, date of birth, sex, residence address, height, weight, eye color, digital photographic image, signature of or verification and certification by the applicant, as determined by the secretary of state, and expiration date of the official state personal identification card. If an official state personal identification card is issued to an individual described in section 1(5) who has temporary lawful status, the official state personal identification card must be issued in compliance with 6 CFR 37.21 or in compliance with the process established to comply with 6 CFR 37.71 by the secretary of state. As used in this subdivision, "temporary lawful status" means that term as defined in 6 CFR 37.3.

(c) An indication that the identification card contains 1 or more of the following:

- (i) The blood type of the individual.
- (ii) Immunization data of the individual.
- (iii) Medication data of the individual.
- (iv) A statement that the individual is deaf.

(d) In the case of a holder of an official state personal identification card who has indicated his or her wish to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a heart insignia on the front of the official state personal identification card.

(e) If requested by an individual who is a veteran as that term is defined in section 1 of 1965 PA 190, MCL 35.61, a designation that the individual is a veteran. The designation must be in a style and format considered appropriate by the secretary of state. The secretary of state shall require proof of discharge or separation of service from the armed forces of this state, another state, or the United States, and the nature of that discharge, for the purposes of verifying an individual's status as a veteran under this subdivision. The secretary of state shall consult with the department of military and veterans affairs in determining the proof that must be required to identify an individual's status as a veteran for the purposes of this subsection. The secretary of state may provide the department of military and veterans affairs and agencies of the counties of this state that provide veteran services with information provided by an applicant under this subsection for the purpose of veterans' benefits eligibility referral.

(f) Physical security features designed to prevent tampering, counterfeiting, or duplication of the official state personal identification card for fraudulent purposes.

(2) In conjunction with the application for an official state personal identification card, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(i) Information explaining the applicant's right to make an anatomical gift in the event of death under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in accordance with this section.

(ii) Information describing the donor registry program maintained by Michigan's federally designated organ procurement organization or its successor organization under section 10120 of the public health code, 1978 PA 368, MCL 333.10120. The information required under this subparagraph must include the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization as described in section 10120 of the public health code, 1978 PA 368, MCL 333.10120.

(iii) Information giving the applicant the opportunity to have his or her name placed on the registry described in subparagraph (ii).

(b) Provide the applicant with the opportunity to specify on his or her official state personal identification card that he or she is willing to make an anatomical gift in the event of death under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in accordance with this section.

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the donor registry described in subdivision (a)(ii), the secretary of state will mark the applicant's record for the donor registry.

(3) The secretary of state may fulfill the requirements of subsection (2) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for the issuance or renewal of an official state personal identification card.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for applications processed by electronic means.

(4) The secretary of state shall prescribe the form of the official state personal identification card. The secretary of state shall designate a space on the official state personal identification card where the applicant may place a sticker or decal of a uniform size as the secretary may specify to indicate that the cardholder carries a separate emergency medical information card. The sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the emergency medical information card, but must meet the specifications of the secretary of state. The sticker or decal also may be used to indicate that the cardholder has designated 1 or more patient advocates in accordance with section 5506 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506. The emergency medical information card, carried separately by the cardholder, may contain the information described in subsection (2)(c), information concerning the cardholder's patient advocate designation, other emergency medical information, or an indication as to where the cardholder has stored or registered emergency medical information. An original official state personal identification card or the renewal of an existing official state personal identification card issued to an individual less than 21 years of age must be portrait or vertical in form, and an official state personal identification card issued to an individual 21 years of age or over must be landscape or horizontal in form. Except as otherwise required in this act, other information required on the official state personal identification card under this act may appear on the official state personal identification card in a form prescribed by the secretary of state.

(5) The official state personal identification card must not contain a fingerprint or finger image of the applicant.

(6) Except as provided in this subsection, the secretary of state shall retain and use an individual's digital photographic image and signature described in subsection (1)(b) only for programs administered by the

secretary of state as specifically authorized by law. An individual's digital photographic image or signature must only be used as follows:

- (a) By a federal, state, or local governmental agency for a law enforcement purpose authorized by law.
- (b) By the secretary of state for a use specifically authorized by law.
- (c) By the secretary of state for forwarding to the department of state police the images of individuals required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, upon the department of state police providing the secretary of state an updated list of those individuals.
- (d) By the secretary of state for forwarding to the department of state police a digitized photograph taken of the applicant for an official state personal identification card for use as provided in section 5c of 1927 PA 372, MCL 28.425c.
- (e) By the secretary of state for forwarding to the department of licensing and regulatory affairs the images of applicants for an official state registry identification card issued under section 6 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if the department of licensing and regulatory affairs promulgates rules requiring a photograph as a design element for an official state registry identification card.
- (f) As necessary to comply with a law of this state or the United States.
- (7) If an individual presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or is the holder of an official state personal identification card, the secretary of state shall mark the individual's official state personal identification card in a manner that clearly indicates that the cardholder is legally blind.
- (8) The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry described in subsection (2)(a)(ii). Information about an individual's indication of a willingness to have his or her name placed on the donor registry that is obtained by the secretary of state and forwarded under this section is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. As required in section 10120 of the public health code, 1978 PA 368, MCL 333.10120, the secretary of state shall establish and maintain the donor registry in a manner that complies with that section and that provides electronic access, including, but not limited to, the transfer of data to this state's federally designated organ procurement organization or its successor organization, tissue banks, and eye banks.
- (9) An official state personal identification card may contain an identifier for voter registration purposes.
- (10) An official state personal identification card must contain information appearing in electronic or machine-readable codes needed to conduct a transaction with the secretary of state. The information must be limited to the information described in subsection (1)(a) and (b) except for the individual's digital photographic image and signature or verification and certification, state of issuance, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and must not contain the individual's driving record or other personal identifier. The official state personal identification card must identify the encoded information.
- (11) An official state personal identification card must be issued only upon authorization of the secretary of state, and must be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the official state personal identification card without ready detection.
- (12) Except as otherwise provided in this act, an applicant shall pay a fee of \$10.00 to the secretary of state for each original or renewal official state personal identification card issued. The secretary of state shall not assess a late renewal fee for an official state personal identification card that expires on or after March 1, 2020 and is renewed before March 31, 2021. The department of treasury shall deposit the fees received and collected under this section in the state treasury to the credit of the general fund. The legislature shall appropriate the fees credited to the general fund under this act to the secretary of state for the administration of this act. Appropriations from the Michigan transportation fund created under section 10 of 1951 PA 51, MCL 247.660, must not be used to compensate the secretary of state for costs incurred and services performed under this section.
- (13) An original or renewal official state personal identification card expires on the birthday of the individual to whom it is issued in the fourth year following the date of issuance or on the date the individual is no longer considered to be legally present in the United States under section 1, whichever is earlier. The secretary of state shall not issue an official state personal identification card under this act for a period greater than 4 years. Except as provided in this subsection, the secretary of state may issue a renewal official state personal identification card for 1 additional 4-year period or beginning on July 1, 2021, for 2 additional 4-year periods, by mail or by other methods prescribed by the secretary of state. The secretary of state shall require renewal in person by an individual required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

(14) The secretary of state shall waive the fee under this section if the applicant is any of the following:

(a) An individual 65 years of age or older.

(b) An individual who has had his or her operator's or chauffeur's license suspended, revoked, or denied under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or physical infirmity or disability.

(c) An individual who presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368.

(d) An individual who presents evidence of 1 or more of the following:

(i) A notice of case action from the department of health and human services indicating that the individual is a participant in 1 or both of the following programs and is making his or her application for an official state personal identification card during a period in which he or she is receiving benefits:

(A) The family independence program.

(B) The state disability assistance program.

(ii) A United States Social Security Administration benefit award letter indicating the applicant is currently receiving payments under the federal supplemental security income program as that term is defined in section 57 of the social welfare act, 1939 PA 280, MCL 400.57, or the Social Security disability income program.

(iii) A United States Social Security Administration benefit verification letter indicating the applicant is currently receiving payments under the federal supplemental security income program as that term is defined in section 57 of the social welfare act, 1939 PA 280, MCL 400.57, or the Social Security disability income program.

(e) An individual who decides to add or remove a heart insignia described in subsection (1)(d).

(f) An individual who is a veteran as that term is defined in section 1 of 1965 PA 190, MCL 35.61. The secretary of state shall require an individual who seeks a waiver of the fee under this subdivision to provide the secretary of state the same documentation required for a veteran designation under subsection (1)(e) before granting the fee waiver.

(g) An individual who presents both of the following:

(i) A homeless verification letter that states that the individual meets the definition of category 1 homeless as that term is defined by the United States Department of Housing and Urban Development. A letter provided as evidence under this subparagraph must be submitted on the official letterhead of a public service agency. The secretary of state may verify the information contained in the letter with the agency of issuance before issuing an official state personal identification card.

(ii) A photo identification card generated from the United States Department of Housing and Urban Development Homeless Management Information System.

(15) An individual who has been issued an official state personal identification card shall apply for a renewal official state personal identification card if the individual changes his or her name.

(16) An individual who has been issued an official state personal identification card shall apply for a corrected identification card if he or she changes his or her residence address. The secretary of state may correct the address on an official state personal identification card by a method prescribed by the secretary of state. A fee must not be charged for a change of residence address.

(17) An individual who has been issued an official state personal identification card may apply for a renewal official state personal identification card for 1 or more of the following reasons:

(a) The individual wants to change any information on the official state personal identification card.

(b) An official state personal identification card issued under this act is lost, destroyed, or mutilated, or becomes illegible.

(18) An individual may indicate on an official state personal identification card in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the individual is deaf.

(19) The secretary of state shall develop and shall, in conjunction with the department of state police, implement a process using the L.E.I.N. or any other appropriate system that limits access to law enforcement that allows law enforcement agencies of this state to access emergency contact information and, beginning July 1, 2021, to view a communication impediment designation that the holder of an official state personal identification card has voluntarily provided to the secretary of state.

(20) If an applicant provides proof to the secretary of state that he or she is a minor who has been emancipated under 1968 PA 293, MCL 722.1 to 722.6, the official state personal identification card must bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.

(21) The secretary of state shall inquire of each individual who applies for or who holds an official state personal identification card, in person or by mail, whether he or she agrees to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. An

individual who has agreed to participate in the donor registry is not considered to have revoked that agreement solely because the individual's official state personal identification card has expired. Enrollment in the donor registry is a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's anatomical gift.

(22) A valid official state personal identification card presented by the individual to whom the card is issued is considered the same as a valid state of Michigan driver license when identification is requested except as otherwise specifically provided by law.

(23) Beginning July 1, 2021, if an official state personal identification card issued under this act is lost, destroyed, or mutilated, or becomes illegible, the individual to whom the official state personal identification card was issued may obtain a duplicate upon the payment of the fee required in subsection (24) and upon furnishing proof satisfactory to the secretary of state that the official state personal identification card has been lost, destroyed, or mutilated, or has become illegible.

(24) Except as otherwise provided in subsection (25), for each duplicate official state personal identification card, and for each correction of an official state personal identification card, beginning July 1, 2021, an individual may apply for renewal of the official state personal identification card and pay the renewal fee prescribed in this act or the individual may, at his or her option and upon payment of the fee prescribed in this section, apply for a duplicate official state personal identification card that expires on the same date as the official state personal identification card that was lost, destroyed, or mutilated, or became illegible. The fee for a duplicate official state personal identification card is \$10.00. A renewal fee must not be charged for a change of address, a correction required to correct a department error, or to add or remove a heart insignia described in subsection (1)(d).

(25) Except with regard to an individual who is less than 21 years of age, for each duplicate official state personal identification card, and for each correction of an official state personal identification card, beginning July 1, 2021, an individual shall apply for renewal of the official state personal identification card and pay the renewal fee prescribed in this act if the official state personal identification card was due to expire within the next 12 months. Except as otherwise provided in this act, an official state personal identification card renewed under this subsection or subsection (24) must be renewed for the combined period of the time remaining on the official state personal identification card before its renewal and the 4-year renewal period.

(26) Notwithstanding subsection (13), an official state personal identification card expiring on or after March 1, 2020 is considered valid until March 31, 2021. If the secretary of state receives an application to renew an official state personal identification card that expires on or after March 1, 2020 before March 31, 2021, the secretary of state shall process the application as a renewal of an existing official state personal identification card.

(27) As used in this section:

(a) "Communication impediment" means an individual has a health condition that may impede communication with a police officer, including, but not limited to, the following:

(i) Deafness or hearing loss.

(ii) An autism spectrum disorder.

(b) "Emergency contact information" means the name, telephone number, or address of an individual that is used for the sole purpose of contacting that individual when the holder of an official state personal identification card has been involved in an emergency.

History: 1972, Act 222, Imd. Eff. July 25, 1972;—Am. 1975, Act 307, Eff. Jan. 1, 1976;—Am. 1977, Act 286, Eff. Mar. 30, 1978;—Am. 1980, Act 444, Imd. Eff. Jan. 15, 1981;—Am. 1984, Act 335, Eff. Oct. 1, 1985;—Am. 1986, Act 68, Imd. Eff. Apr. 7, 1986;—Am. 1989, Act 125, Imd. Eff. June 28, 1989;—Am. 1996, Act 204, Eff. Jan. 1, 1997;—Am. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 1998, Act 2, Eff. July 1, 1998;—Am. 1998, Act 118, Eff. July 3, 1998;—Am. 1999, Act 89, Eff. Sept. 1, 1999;—Am. 2001, Act 238, Imd. Eff. Jan. 3, 2002;—Am. 2002, Act 553, Eff. Oct. 1, 2002;—Am. 2003, Act 143, Eff. Oct. 1, 2003;—Am. 2005, Act 143, Imd. Eff. Sept. 29, 2005;—Am. 2008, Act 31, Imd. Eff. Mar. 13, 2008;—Am. 2008, Act 40, Imd. Eff. Mar. 17, 2008;—Am. 2011, Act 158, Imd. Eff. Sept. 30, 2011;—Am. 2013, Act 28, Eff. May 1, 2014;—Am. 2016, Act 5, Imd. Eff. Feb. 2, 2016;—Am. 2016, Act 203, Eff. Sept. 20, 2016;—Am. 2017, Act 31, Eff. Aug. 7, 2017;—Am. 2018, Act 176, Eff. Sept. 9, 2018;—Am. 2018, Act 584, Imd. Eff. Dec. 28, 2018;—Am. 2018, Act 669, Eff. Mar. 29, 2019;—Am. 2020, Act 92, Eff. July 1, 2021;—Am. 2020, Act 128, Imd. Eff. July 1, 2020;—Am. 2020, Act 242, Imd. Eff. Oct. 28, 2020;—Am. 2020, Act 306, Imd. Eff. Dec. 29, 2020.

Compiler's note: Enacting section 1 of Act 553 of 2002 provides:

"Enacting section 1. There is appropriated from the amount provided in section 310(16) of the Michigan vehicle code, 1949 PA 300, MCL 257.310, a sufficient amount to carry out the provisions of the 2002 amendatory act that amended section 2 of 1972 PA 222, MCL 28.292, and the 2002 amendatory act that provided an appropriation in section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310."

28.292a Issuance of corrected official state personal identification card to certified address confidentiality program participant; renewal; definitions.

Sec. 2a. (1) Beginning 180 days after the effective date of the amendatory act that added this section, upon receipt of a notice from the department of the attorney general that an individual who has been issued an official state personal identification card under this act has been certified as a program participant in the address confidentiality program, the secretary of state shall issue a corrected official state personal identification card to that individual by mailing the card to his or her designated address. Beginning 180 days after the effective date of the amendatory act that added this section, an official state personal identification card issued under this subsection or section 2 to a program participant must display the individual's designated address and must not display the individual's residence address.

(2) An individual who is issued a corrected official state personal identification card under this section shall destroy his or her old official state personal identification card and replace it with the corrected official state personal identification card.

(3) Beginning 180 days after the effective date of the amendatory act that added this section, an individual whose certification as a program participant in the address confidentiality program is renewed under the address confidentiality program act may renew an official state personal identification card issued under this section upon payment of the renewal fee under section 2.

(4) As used in this section:

(a) "Address confidentiality program" means a program as that term is defined in section 3 of the address confidentiality program act.

(b) "Designated address" means that term as defined in section 3 of the address confidentiality program act.

(c) "Program participant" means that term as defined in section 3 of the address confidentiality program act.

History: Add. 2020, Act 306, Imd. Eff. Dec. 29, 2020.

28.293 False representation of information; violation as felony; additional violations; penalty; cancellation or return.

Sec. 3. (1) A person who falsely represents information upon application for an official state personal identification card is guilty of a felony punishable by imprisonment for not less than 1 year but not more than 5 years, or by a fine of not less than \$500.00 but not more than \$5,000.00, or both.

(2) A person who is convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section is guilty of a felony punishable by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

(4) The department may cancel the official state personal identification card of a person who violates this section. The person shall return his or her official state personal identification card upon the request or order of the department.

History: 1972, Act 222, Imd. Eff. July 25, 1972;—Am. 1975, Act 307, Eff. Jan. 1, 1976;—Am. 1977, Act 286, Eff. Mar. 30, 1978;—Am. 1998, Act 2, Eff. July 1, 1998;—Am. 2011, Act 158, Imd. Eff. Sept. 30, 2011.

28.294 Forfeiture of card used or displayed during commission of crime.

Sec. 4. An official state personal identification card used or displayed during the commission of a crime shall be forfeited to the secretary of state.

History: 1972, Act 222, Imd. Eff. July 25, 1972;—Am. 1975, Act 307, Eff. Jan. 1, 1976;—Am. 1977, Act 286, Eff. Mar. 30, 1978;—Am. 1984, Act 335, Eff. Oct. 1, 1985.

28.295 Conduct constituting felony or misdemeanor; penalties; exceptions; cancellation or return.

Sec. 5. (1) A person who intentionally reproduces, alters, counterfeits, forges, or duplicates an official state personal identification card photograph, the negative of the photograph, an official state personal identification card image, an official state personal identification card, or the electronic data contained on an official state personal identification card or a part of an official state personal identification card or who uses an official state personal identification card, image, or photograph that has been reproduced, altered, counterfeited, forged, or duplicated is subject to 1 of the following:

(a) If the intent of reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony

punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both.

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(2) A person who sells or possesses with the intent to deliver to another a reproduced, altered, counterfeited, forged, or duplicated official state personal identification card photograph, negative of the photograph, official state personal identification card image, official state personal identification card, or electronic data contained on an official state personal identification card or part of an official state personal identification card, or who possesses 2 or more reproduced, altered, counterfeited, forged, or duplicated official state identification card photographs, negatives of the photograph or photographs, image or images, official state identification card or cards, or electronic data contained on official state identification card or cards, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(3) A person who is in possession of an altered, counterfeited, forged, or duplicated official state personal identification card photograph, negative of the photograph, official state personal identification card image, official state personal identification card, or electronic data contained on an official state personal identification card or part of an official state personal identification card is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(4) A person shall not steal or, without the cardholder's permission, knowingly take or knowingly remove an official state personal identification card from the person or possession of another. A person shall not use an official state personal identification card that is stolen or knowingly taken or knowingly removed from the person or possession of another. Except as provided in subsection (5), a person who violates this subsection is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

(5) A person shall not use an official state personal identification card in the commission of a felony if the card is stolen or knowingly taken or knowingly removed from the person or possession of another. A person who violates this subsection is guilty of the penalties provided for the felony committed with the use of the card.

(6) Subsections (2) and (3) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of an official state personal identification card or part of an official state personal identification card to document the person's identity for a legitimate business purpose.

(7) Subsections (1)(a) and (b) and (2) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(8) The department may cancel the official state personal identification card of a person who violates this section. The person shall return his or her official state personal identification card upon the request or order of the department.

History: Add. 1977, Act 286, Eff. Mar. 30, 1978;—Am. 1984, Act 335, Eff. Oct. 1, 1985;—Am. 2004, Act 149, Eff. Sept. 1, 2004;—Am. 2011, Act 158, Imd. Eff. Sept. 30, 2011.

28.295a Prohibited conduct; violation as felony; penalties.

Sec. 5a. (1) A person who makes a false representation or false certification to obtain personal information under this act, or who uses personal information for a purpose other than a permissible purpose identified in section 8 or 10, is guilty of a felony.

(2) A person who is convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section is guilty of a felony punishable by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997.

28.296 Availability of records to public.

Sec. 6. Records maintained under this act, other than those declared to be confidential by law or which are restricted by law from disclosure to the public, shall be available to the public pursuant to procedures prescribed in this act, in the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and in other applicable laws.

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997.

28.297 Commercial look-up service; disposition of fees; computerized central file; providing file to nongovernmental person or entity.

Sec. 7. (1) The secretary of state may provide a commercial look-up service of records maintained under this act. For each individual record looked up, the secretary of state shall charge a fee specified annually by the legislature, or if the legislature does not specify a fee, a market-based price established by the secretary of state. The secretary of state shall process a commercial look-up request only if the request is in a form or format as prescribed by the secretary of state. Until October 1, 2023, fees collected under this subsection must be credited to the transportation administration collection fund created in section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b.

(2) The secretary of state shall establish and maintain a computerized central file of the information contained on application forms received under this act. The computerized central file must be interfaced with the law enforcement information network as provided in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(3) Except as provided in section 10(2), the secretary of state shall not provide an entire computerized central file or other file of records maintained under this act to a nongovernmental person or entity, unless the purchaser pays the prescribed fee for each individual record contained within the computerized file.

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2005, Act 172, Imd. Eff. Oct. 12, 2005;—Am. 2009, Act 101, Imd. Eff. Sept. 30, 2009;—Am. 2011, Act 158, Imd. Eff. Sept. 30, 2011;—Am. 2015, Act 72, Eff. Oct. 1, 2015;—Am. 2019, Act 80, Imd. Eff. Sept. 30, 2019.

28.298 Disclosure of personal information; uses.

Sec. 8. (1) Except as provided in this section and in section 10, personal information in a record maintained under this act shall not be disclosed, unless the person requesting the information furnishes proof of identity satisfactory to the secretary of state and certifies that the personal information requested will be used for a permissible purpose identified in this section or in section 10. Highly restricted personal information shall be used and disclosed only as expressly permitted in section 2 or in another applicable provision of law.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of a specified federal law. As used in this section, "specified federal law" means the automobile information disclosure act, 15 USC 1231 to 1233, the former motor vehicle information and cost savings act, Public Law 92-513, the former national traffic and motor vehicle safety act of 1966, Public Law 89-563, the anti-car theft act of 1992, Public Law 102-519, the clean air act, chapter 360, 69 Stat. 322, and all federal regulations promulgated to implement these federal laws.

(3) Personal information in a record maintained under this act may be disclosed by the secretary of state as follows:

(a) For use by a federal, state, or local governmental agency, including a court or law enforcement agency, in carrying out the agency's functions, or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions.

(b) For use in connection with matters of motor vehicle and driver safety or auto theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles; motor vehicle market research activities, including survey research; and the removal of nonowner records from the original records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business, including the agents, employees, and contractors of the business, but only to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as so submitted is no longer correct, to obtain the correct information, for the sole purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt against, the individual.

(d) For use in connection with a civil, criminal, administrative, or arbitral proceeding in a federal, state, or local court or governmental agency or before a self-regulatory body, including use for service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, if the personal information is not published,

redisclosed, or used to contact individuals.

(f) For use by an insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigating activity, antifraud activity, rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded vehicle.

(h) For use either by a private detective or private investigator licensed under the private detective license act, 1965 PA 285, MCL 338.821 to 338.851, or by a private security guard agency or alarm system contractor licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083, only for a purpose permitted under this section.

(i) For use by an employer, or the employer's agent or insurer, to obtain or verify information relating either to the holder of a commercial driver license that is required under the commercial motor vehicle safety act of 1986, Public Law 99-570, or to the holder of a chauffeur's license that is required under chapter 3 of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.

(j) For use by a car rental business, or its employees, agents, contractors, or service firms, for the purpose of making rental decisions.

(k) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(l) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual.

(4) Copies or images of source documents retained by the secretary of state under section 1 of this act and section 5 of the enhanced driver license and enhanced official state personal identification card act, MCL 28.305, may be used and disclosed for the purposes of subsection (3)(a) and (l).

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2008, Act 32, Imd. Eff. Mar. 13, 2008.

28.299 Resale or redisclosure of information; duties of recipient.

Sec. 9. (1) An authorized recipient of personal information disclosed under section 8 may resell or redisclose the information only for a use permitted under section 8.

(2) An authorized recipient of personal information disclosed under section 8 who resells or rediscloses the information shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained.

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997.

28.299a Application for official state identification card; examination and determination.

Sec. 9a. The department must examine and determine the genuineness, regularity, and legality of every application for an official state identification card, and may in all cases investigate as the department considers necessary or require additional information. The department must reject any application for an official state identification card if not satisfied of the genuineness, regularity, or legality of the application or the truth of any statement contained in the application, or for any other reason when authorized by law.

History: Add. 2008, Act 32, Imd. Eff. Mar. 13, 2008;—Am. 2020, Act 128, Imd. Eff. July 1, 2020.

28.300 Furnishing list of information to federal, state, or local governmental agency; contract for sale of lists of records; surveys, marketing, and solicitations; insertion of safeguard in agreement or contract; duties of recipient of personal information; disclosure of list based on driving behavior or sanctions.

Sec. 10. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. Unless otherwise prohibited by law, the secretary of state may charge the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds \$25.00, and use the revenues received from the service to defray necessary expenses. If the secretary of state sells a list of information under this subsection to a member of the

state legislature, the secretary of state shall charge the same fee as the fee for the sale of information under subsection (2) unless the list of information is requested by the member of the legislature to carry out a legislative function. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection.

(2) The secretary of state may contract for the sale of lists of records maintained under this act in bulk, in addition to those lists distributed at cost or at no cost under this section, for any of the purposes permitted under section 8(3). The secretary of state shall require each purchaser of information in bulk to execute a written purchase contract. The secretary of state shall fix a market-based price for the sale of lists of bulk information, which may include personal information. The proceeds from each sale shall be used by the secretary of state to defray the costs of list preparation and for other necessary or related expenses.

(3) The secretary of state or any other state agency shall not sell or furnish any list of information under subsection (2) for the purpose of surveys, marketing, and solicitations. The secretary of state shall ensure that personal information disclosed in bulk will be used, rented, or sold solely for uses permitted under this act.

(4) The secretary of state may insert any safeguard the secretary considers reasonable or necessary, including a bond requirement, in a memorandum of agreement or purchase contract executed under this section, to ensure that the information provided or sold is used only for a permissible use and that the rights of individuals and of the department are protected.

(5) An authorized recipient of personal information disclosed under this section who resells or rediscloses the information for any of the permissible purposes described in section 8(3) shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(6) The secretary of state shall not disclose a list based on driving behavior or sanctions to a nongovernmental agency, including an individual.

History: Add. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2000, Act 193, Eff. Jan. 1, 2001.